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Security Council

Sixty-third year

Provisional

5987th meeting

Tuesday, 7 October 2008, 10 a.m.

New York

President:	Mr. Zhang Yesui	(China)
Members:	Belgium	Mr. Grauls
	Burkina Faso	Mr. Kafando
	Costa Rica	Mr. Ballestero
	Croatia	Mr. Jurica
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Suescum
	Russian Federation	Mr. Rogachev
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Mr. Quarrey
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Hoang Chi Trung

Agenda

The situation in Somalia

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

08-53841 (E)

The meeting was called to order at 10.10 a.m.

Expression of thanks to the retiring President

The President (*spoke in Chinese*): As this is the first meeting of the Security Council for the month of October, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Michel Kafando, Permanent Representative of Burkina Faso to the United Nations, for his service as President of the Security Council for the month of September. I am sure I speak for all members of the Security Council in expressing deep appreciation to Ambassador Kafando for the great diplomatic skill with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

The situation in Somalia

The President (*spoke in Chinese*): I should like to inform the Council that I have received letters from the representatives of Denmark, Greece, Japan, Lithuania, Malaysia, the Netherlands, Norway, Portugal, the Republic of Korea, Somalia and Spain, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Duale (Somalia) took a seat at the Council table; the representatives of the other aforementioned country took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Chinese*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2008/633, which contains the text of a draft resolution submitted by Belgium, Canada, Croatia, Denmark, France, Greece, Italy, Japan, Lithuania, Malaysia, the Netherlands, Norway, Panama, Portugal, the Republic of Korea, Singapore, Spain, United Kingdom of Great Britain and Northern Ireland and the United States of America.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Belgium, Burkina Faso, China, Costa Rica, Croatia, France, Indonesia, Italy, Libyan Arab Jamahiriya, Panama, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

The President (*spoke in Chinese*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1838 (2008).

I shall now give the floor to those members of the Council who wish to make statements following the vote.

Mr. Kumalo (South Africa): South Africa voted for the draft resolution because we also agree that the acts of piracy on the Somali coast have continued unabated, and the Transitional Federal Government of Somalia has also issued a call for the international community to help in countering the problem. Because the Transitional Federal Government has asked for help, we thought that it was good for the international community to respond, and we are pleased to have voted for the draft resolution.

However, we would like to put it on record that the threat to international peace and security in Somalia originates in the conflict that has ravaged that country for nearly two decades. In fact , the letter that the Ambassador of Somalia, Mr. Duale, wrote to the Security Council in support of the draft resolution, also asked:

> "Furthermore, and in this connection, the Transitional Federal Government strongly urges the Security Council seriously to consider the issue of the United Nations peacekeeping forces, in Somalia, to assist Somalia's transition to a permanent Government that will pave the way for democratic elections."

So while we are responding to the request of the Transitional Federal Government of Somalia, we have only responded to one request, which has to do with piracy.

It is South Africa's view that the conflict in Somalia cannot be countered solely through maritime security actions. Piracy is part of the larger problem of the lack of peace and stability within Somalia itself. As long as there is violence and instability, piracy and other acts of violence will continue.

We wish again to reiterate the call by the Peace and Security Council of the African Union (AU) for the deployment of a United Nations peacekeeping operation and that the United Nations also provide support to the African Union Mission in Somalia (AMISOM). It is worrying that there has been very little concrete progress on the deployment of the United Nations force since the AU made that call, and yet the situation is not improving. We would not want the Council to be seen only to respond when it is an issue of piracy that threatens not only Somalia but the assistance from many other countries, but this Council is slow when it comes to the fundamental problems of Somalia.

The Council committed itself in resolution 1814 (2008), expressing its willingness to consider, at an appropriate time, a peacekeeping operation to take over from AMISOM, subject to progress in the political process and the improvement of the security situation on the ground. With the signing of the Djibouti agreement, it seems to us that, despite the scenario of 60 to 70 per cent of the armed opposition groups within the political process in Somalia having been achieved, we are still nowhere near discussing any concrete proposals on United Nations deployment.

There is a real danger of the Council being perceived as selective when it acts only when the interests of certain member States are threatened, while ignoring those of the Somalis themselves and the region at large. We remain committed to doing whatever we can to make sure that the people of Somalia are not allowed to suffer any more than they have. We hope that the Council will also address the second request that the Transitional Federal Government of Somalia has placed before the Council in support the resolution.

Mr. Ripert (France) (*spoke in French*): At the outset, I, too, would like to take the opportunity to pay tribute to the skill with which Ambassador Kafando guided our work in September, which was a particularly busy month.

France welcomes the fact that the Security Council has sent a strong political message by unanimously adopting resolution 1838 (2008), with many sponsors from various regions of the world. The news in recent months has shown that the threat posed by pirates to Somalia and to the international community as a whole is now global. The entire international community is called upon to respond and, if necessary, to use of force, in line with international law, particularly the law of the sea, or as authorized under resolution 1816 (2008). It is essential that the Security Council remain seized of the matter and that it can in November extend the measures provided for by resolution 1816 (2008).

The Permanent Representative of Somalia, whom I welcome, has sent a letter to the Security Council in support of those actions, calling on Member States to take action, including militarily, against pirates. The resolution that we have just adopted demonstrates the will of the Security Council to act over the longer term.

France hopes that each Member will assume its responsibility and use fully the provisions of resolutions 1814 (2008) to protect World Food Programme ships and 1816 (2008) to combat piracy in general.

The States Members of the European Union (EU) in particular are working to that end. On 15 September, the EU created a coordination cell to facilitate the actions of those currently deployed in the region, such as France and Spain. The French presidency is working actively to ensure that the European Union should soon be able to take a decision to deploy a European mission under its foreign and security policy. France hopes that other partners will intervene alongside the European Union.

The Ambassador of South Africa has just stressed that the Security Council must not lose sight of the situation in Somalia itself. France agrees with that point of view. It is sufficient to recall that the situation continues to deteriorate on the ground. Yesterday, 11 civilians were killed in a single day and a new attack was launched against humanitarian staff in the South of the country, killing a Somali humanitarian worker and injuring an Italian worker. We would like to pay tribute to the courage of the staff of non-governmental organizations and the United Nations, be they international or Somali, who risk their lives every day.

We await with interest the report that the Security Council has asked the Secretary-General to present in November with regard to the deployment of an international stabilization force. However, that should in no way be seen as a reason not to take action now against piracy. Between now and the end of 2008, the fate of 3.5 million people will depend on the security of World Food Programme vessels. Every day, pirates are slowly killing the Somalian people. It is urgent that we act; that is the purpose of resolution 1838 (2008).

Mr. Natalegawa (Indonesia): Allow me first of all to congratulate you, Sir, on your assumption of the presidency of the Council for this month and also to express our profound appreciation to Ambassador Kafando and his able delegation for their sterling stewardship of the Council last month.

My delegation's favourable vote on resolution 1838 (2008) was based on a number of considerations. Our support reflects our deep concern at the intensifying problem of piracy in the waters off the coast of Somalia, which threatens the transportation of humanitarian assistance into Somalia as well as the security of international navigation in the area.

That said, however, we do not see piracy off the coast of Somalia as a stand-alone problem. Rather, it is an extension of the continuing political instability and lawlessness in Somalia itself. Resolution 1838 (2008) is an attempt to gather support to address a maritime menace, but the larger problem remains outstanding and the resolution is not intended to be a substitute for larger efforts to help Somalia deal with its conflicts.

We are also in favour of the resolution as we support the appeal for a greater international contribution and more cooperation in protecting humanitarian convoys for Somalia and in repressing piracy and armed robbery at sea in conformity with international law, in particular the United Nations Convention on the Law of the Sea and Security Council resolution 1816 (2008). Those instruments are both necessary and adequate to address that menace.

Finally, it is our view that resolution 1838 (2008), like resolution 1816 (2008) before it, applies only to the situation in Somalia. Those resolutions clearly state that they shall not affect the rights, obligations or responsibilities of Member States under international law and shall not be considered as establishing customary international law.

Mr. Terzi di Sant'Agata (Italy): I would like to congratulate you, Sir, on assuming the presidency of the Security Council and, at the same time, to express our sincere appreciation to Ambassador Kafando and his team for their excellent work during the previous presidency.

I would like to join other members in welcoming the adoption of the resolution, which calls for urgent action against piracy off the coast of Somalia. My Government is confident that the resolution will contribute to more effective and better coordinated international action against piracy off the coast of Somalia, to the benefit of that country, the region and the broader maritime community.

The European Union, as was underlined by Ambassador Ripert, is receptive to that call and is working exactly in that direction. My delegation would like to acknowledge France for having spared no effort in building consensus around the decision. Today's unanimous adoption demonstrates that the Council is able to take effective multilateral action to meet the legitimate expectations of the international community.

The resolution addresses one aspect in particular, but I would say that it is also one consequence of the situation in Somalia. I cannot but add my voice to that of Ambassador Kumalo in stressing the need for the Council to effectively address the Somali crisis in all its dimensions — political, humanitarian and security. The victims and the wounded among humanitarian workers have shown only yesterday how grave the situation has become; they are further evidence of the need to act.

The President (*spoke in Chinese*): There are no further speakers on my list. The Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 10.30 a.m.